

**CHAPTER NO. 973**

**SENATE BILL NO. 2582**

**By Black, Tracy, Finney**

**Substituted for: House Bill No. 2663**

**By Harwell, Bunch, John Deberry, Eldridge, Overbey, McDaniel, Harrison, McKee, Russell Johnson, Maggart, Roach, Lynn, Pleasant, Favors, Campfield, Moore, Gresham, Sontany, DuBois, Crider, Hensley, Niceley, Hargrove, Baird, Bo Watson, Eric Watson, Montgomery, Hargett, Marrero, Lois DeBerry, Rowe, Larry Turner, Miller, Ulysses Jones, Maddox, Ferguson**

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5; Title 40, Chapter 15; Title 40, Chapter 35 and Title 40, Chapter 39, Part 2, to create the offense of statutory rape by an authority figure and to provide the punishment for such offense.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following new section:

§ 39-13-530.

(a) Statutory rape by an authority figure is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:

(1) The victim is at least thirteen (13) but less than eighteen (18) years of age;

(2) The defendant is at least four (4) years older than the victim; and

(3) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional, or occupational status and used such position of trust or power to accomplish the sexual penetration; or

(4) The defendant had, at the time of the offense, parental or custodial authority over the victim and used such authority to accomplish the sexual penetration.

(b) Statutory rape by an authority figure is a Class C felony and no person who is found guilty of or pleads guilty to such offense shall be

eligible for probation pursuant to § 40-35-303 or judicial diversion pursuant to § 40-35-313.

SECTION 2. Tennessee Code Annotated, Section 40-35-303, is amended by deleting from the second sentence of subsection (a) the language "39-13-504, 39-15-402," and substituting instead the language "39-13-504, 39-13-530, 39-15-402,".


SECTION 3. Tennessee Code Annotated, Section 40-35-313, is amended by adding the following new subdivision (j) to subsection (a)(1)(B)(ii):

(j) Statutory rape by an authority figure, as described in § 39-13-530.

SECTION 4. This act shall take effect July 1, 2006, the public welfare requiring it.

**PASSED: May 27, 2006**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 27<sup>th</sup> day of June 2006**

  
PHIL BREDESEN, GOVERNOR